

The assistant legislative clerk read as follows:

A bill (S. 459) to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 459) was read three times and passed, as follows:

S. 459

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hometown Heroes Survivors Benefits Act of 2003".

#### SEC. 2. FATAL HEART ATTACK OR STROKE ON DUTY PRESUMED TO BE DEATH IN LINE OF DUTY FOR PURPOSES OF PUBLIC SAFETY OFFICER SURVIVOR BENEFITS.

Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1986 (42 U.S.C. 3796) is amended by adding at the end of the following:

"(k) For purposes of this section, if a public safety officer dies as the direct and proximate result of a heart attack or stroke suffered while on duty, or not later than 24 hours after participating in a training exercise or responding to an emergency situation, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty."

#### SEC. 3. APPLICABILITY.

Section 1201(k) of the Omnibus Crime Control and Safe Streets Act of 1986, as added by section 2, shall apply to deaths occurring on or after January 1, 2003.

#### FALLEN LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS FLAG MEMORIAL ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 535 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 535) to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 683

Mr. FRIST. Mr. President, I understand Senator DODD has an amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 683) was agreed to, as follows:

AMENDMENT NO. 683

(Purpose: To provide for the delivery of flags through Congress)

On page 1, beginning with line 7, strike all through page 3, line 19, and insert the following:

#### SEC. 2. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED LAW ENFORCEMENT OFFICERS AND DECEASED FIREFIGHTERS.

(a) DEFINITIONS.—In this Act:

(1) CAPITOL-FLOWN FLAG.—The term "Capitol-flown flag" means a United States flag flown over the United States Capitol and provided under this Act to honor the deceased law enforcement officer or firefighter for whom such flag is requested.

(2) DECEASED FIREFIGHTER.—The term "deceased firefighter" means a person who—

(A) performs firefighting duties on a paid or voluntary basis; and—

(B) dies in the line of duty as a firefighter.

(3) DECEASED LAW ENFORCEMENT OFFICER.—The term "deceased law enforcement officer" means a person who was charged with protecting public safety, who was authorized to make arrests by a Federal, State, Tribal, county, or local law enforcement agency, and who died while acting in the line of duty.

(4) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator, a Representative in Congress, or a Delegate to Congress.

(b) MEMBER OFFICES.—

(1) IN GENERAL.—The family of a deceased law enforcement officer or a deceased firefighter may request that a Member of Congress provide to that family a Capitol-flown flag.

(2) EXPENSE.—The costs associated with providing a flag under this subsection may be paid from official funds.

(c) APPLICABILITY.—This Act shall only apply to a deceased law enforcement officer or a deceased firefighter who died on or after the date of enactment of this Act.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 535), as amended, was read the third time and passed, as follows:

S. 535

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2003".

#### SEC. 2. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED LAW ENFORCEMENT OFFICERS AND DECEASED FIREFIGHTERS.

(a) DEFINITIONS.—In this Act:

(1) CAPITOL-FLOWN FLAG.—The term "Capitol-flown flag" means a United States flag flown over the United States Capitol and provided under this Act to honor the deceased law enforcement officer or firefighter for whom such flag is requested.

(2) DECEASED FIREFIGHTER.—The term "deceased firefighter" means a person who—

(A) performs firefighting duties on a paid or voluntary basis; and

(B) dies in the line of duty as a firefighter.

(3) DECEASED LAW ENFORCEMENT OFFICER.—The term "deceased law enforcement officer" means a person who was charged with protecting public safety, who was authorized to make arrests by a Federal, State, Tribal, county, or local law enforcement agency, and who died while acting in the line of duty.

(4) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator, a Representative in Congress, or a Delegate to Congress.

(b) MEMBER OFFICES.—

(1) IN GENERAL.—The family of a deceased law enforcement officer or a deceased firefighter may request that a Member of Congress provide to that family a Capitol-flown flag.

(2) EXPENSE.—The costs associated with providing a flag under this subsection may be paid from official funds.

(c) APPLICABILITY.—This Act shall only apply to a deceased law enforcement officer or a deceased firefighter who died on or after the date of enactment of this Act.

#### HONORING THE CITY OF FAYETTEVILLE, NC, AND ITS MANY PARTNERS FOR THE FESTIVAL OF FLIGHT

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 58 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 58) honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table, en bloc; and that any statements relating to the concurrent resolution be printed in the RECORD, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 58) was agreed to.

The preamble was agreed to.

#### USE OF CAPITOL GROUNDS FOR DC SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 128, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 128) authorizing the use of the Capitol Grounds for the DC Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 128) was agreed to.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 108-7

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 15, 2003, by the President of the United States:

Protocol of 1997 amending Marpol Treaty (Treaty Document No. 108-7).

I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

#### PROTOCOL OF 1997 AMENDING MARPOL CONVENTION (TREATY DOCUMENT NO. 108-7)

Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 15, 2003, by the President of the United States: Protocol of 1997 Amending MARPOL Convention (Treaty Document No. 108-7);

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 thereto (hereinafter the "Protocol of 1997"). The Protocol of 1997, which would add Annex VI, Regulations for the Prevention of Air Pollution from

Ships, to the International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 (hereinafter the "MARPOL Convention"), was signed by the United States on December 22, 1998. I also enclose, for the information of the Senate, the report of the Department of State and its attached analysis of the Protocol of 1997, as well as Resolution 2 of the 1997 MARPOL Conference with its annexed Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines.

The MARPOL Convention is the global agreement to control pollution from ships. MARPOL Annex VI regulates the emission into the atmosphere of specified pollutants from ships. It complements the other annexes to the MARPOL Convention, which relate to the transport of oil (Annex I), harmful substances carried in bulk (Annex II), harmful substances in packaged form (Annex III), ship-generated sewage (Annex IV) and garbage (Annex V). The United States is a party to all of these annexes with the exception of Annex IV.

MARPOL Annex VI regulates the prevention of air pollution from ships by limiting the discharge of nitrogen oxides from large marine diesel engines, governing the sulfur content of marine diesel fuel, prohibiting the emission of ozone-depleting substances, regulating the emission of volatile organic compounds during the transfer of cargoes between tankers and terminals, setting standards for shipboard incinerators and fuel oil quality, and establishing requirements for platforms and drilling rigs at sea.

MARPOL Annex VI is an important step toward controlling and preventing emissions of harmful air pollutants from ships. U.S. ratification of the Protocol of 1997 will demonstrate U.S. commitment to an international solution and should hasten the entry into force of the Protocol of 1997. Ratification will also enhance our ability to work within the treaty framework to obtain subsequent amendments that will require further reductions in emissions of nitrogen oxides that are now achievable through the use of modern control technologies which the United States strongly supports.

I recommend that the Senate give early and favorable consideration to the Protocol of 1997 and give its advice and consent to ratification, subject to the declarations and understanding set out in the accompanying report of the Secretary of State.

GEORGE W. BUSH,  
THE WHITE HOUSE, May 15, 2003.

#### ORDERS FOR MONDAY, MAY 19, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand in adjournment until 2 p.m., Monday, May 19. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business with the time until 2:30 p.m. equally divided between Senator HAGEL and the Democratic leader; provided that at 2:30 p.m. the Senate proceed to the consideration of S. 1050, the Department of Defense authorization bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. FRIST. For the information of all Senators, on Monday the Senate will be in a period for morning business until 2:30 p.m. Following morning business, the Senate will begin consideration of the Department of Defense authorization bill. At 5:30, the Senate will proceed to executive session and vote on Executive Calendar No. 172, the nomination of Maurice Hicks to be a district judge for the Western District of Louisiana. Therefore, the next vote will occur on Monday afternoon at 5:30 p.m.

I wish all of my colleagues a well-deserved and restful weekend, after approximately 18 hours of consecutive debate and votes on amendments. Today we voted on a total of 36 amendments—I say today, but over the last 18 hours—in what we have called a vote-athon, and that is a lot of work as we proceed. Thus, it is indeed a well-deserved weekend before us.

#### ADJOURNMENT UNTIL 2 P.M.

MONDAY, MAY 19, 2003

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:19 a.m., adjourned until Monday, May 19, 2003, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate May 15, 2003:

##### THE JUDICIARY

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRING.

HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE DENNIS W. SHEDD, ELEVATED.

RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA, VICE FRANK HOWELL SEAY, RETIRING.